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- 1. 37 CFR 1.28(c) Notification (2 pgs.)
- 2. Fee Transmittal in duplication (2 pgs.)
- 3. Certificate of Transmission (1 pg.)

This collection of information is required by 97 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Petent and Tradamark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF TRANSMISSION/MAILING (37 CFR 1.8(A))

PATENT

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Date: July 30, 2004 Fatti Hespell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY (37 CFR 1.28(c))

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

The above noted patent application is currently entitled to small entity status.

-1-

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Utility Application Filing Fee	12/28/00	\$355	\$770	\$415
Additional Claims Fee (26 claims)	12/28/00	\$234	\$468	\$234
TOTAL	\$649			

Date:

July 30, 2004

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,

Douglas J. Ryder, Esquire

Reg. No. 43,073

Expanse Networks, Inc. 6206 Kellers Church Road Pipersville, PA 18947 Phone: (215) 766-2100

Fax: (215) 766-2920

Signature

PTO/SB/17 (10-03)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid QMB control number. Complete if Known FEE TRANSMITTAL 09/750.800 Application Number Filing Date 28 DEC 2000 for FY 2004 SCHLACK First Named Inventor Effective 10/01/2003. Patent fees are subject to annual revision. Examiner Name MANNING, JOHN Applicant claims small entity status. See 37 CFR 1.27 Art Unit 2614 **TOTAL AMOUNT OF PAYMENT** (\$) 649.00 T721-20 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) Check Credit card Money Order 3. ADDITIONAL FEES Other None arge Entity | Small Entity ✓ Deposit Account: Fee Description Deposit (\$) Code <u>Fee Paid</u> 501535 Account 1051 2051 Numbe 130 65 Surcharge - late filing fee or oath 1052 50 2052 Surcharge - late provisional filing fee or EXPANSE NETWORKS, INC. 25 Account Name cover sheet 130 1053 1053 130 Non-English specification The Director is authorized to: (check <u>all that apply)</u> 1812 2,520 1812 2,520 For filing a request for ex parte reexamination Charge fee(s) indicated below Credit any overpayments 1804 920 1804 920" Requesting publication of SIR prior to Charge any additional foe(s) or any underpayment of fee(s) Examiner action Charge fee(s) indicated below, except for the filing fee 1805 1.840 1805 1,840" Requesting publication of SIR after to the above-identified deposit account. 1251 110 2251 55 Extension for reply within first month **FEE CALCULATION** 1252 420 2252 Extension for reply within second month 210 1. BASIC FILING FEE rge Entity Şmall Entity 1253 950 2253 475 Extension for reply within third month Fee Fee Code (\$) Fee Fee Fee Description Fee Paid 1254 1,480 2254 740 Extension for reply within fourth month 1001 770 1255 2255 1,005 Extension for reply within fifth month 2001 2,010 385 Utility filing fee 1002 340 2002 170 1401 330 2401 165 Notice of Appeal Design filing fee 1003 530 2003 265 1402 330 Plant filing fee 2402 165 Filling a brief in support of an appeal 1004 770 2004 385 Reissue filing tee 1403 290 2403 145 Request for oral hearing 1005 160 2005 1451 1451 1,510 Petition to institute a public use proceeding 80 Provisional filling fee 1.510 SUBTOTAL (1) (\$) 1452 110 2452 55 Petition to revive - unavoidable 1453 1.330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1,330 2501 665 Utility issue fee (or reissue) Fee from Ext<u>ra Cisim</u>s below Fee Paid 1502 480 2502 240 Design issue fee Total Claims 1503 640 2503 320 Plant Issue fee Independent - 3** Claims 🗠 Multiple Dependent 1460 130 1460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) Small Entity Large Entity 1806 180 1806 180 Submission of Information Disclosure Stmt Fee Description Fco Foo Code (\$) Fee Fee Code (\$) 40 Recording each patent assignment per 8021 40 8021 property (times number of properties) 1202 18 2202 Claims in excess of 20 1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a)) 1201 88 2201 Independent claims in excess of 3 43 1203 290 2203 145 Multiple dependent claim, if not paid 385 For each additional Invention to be examined (37 CFR 1.129(b)) 770 1810 2810 1204 86 2204 43 ** Réissue independent claims over original patent 1801 770 2801 385 Request for Continued Examination (RCE) 1205 18 2205 ** Reissue claims in excess of 20 1802 900 1802 900 Request for expedited examination and over original patent of a design application Other foo (specify) 37CFR 1.28(c) Notification SUBTOTAL (2) (\$) *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 649.00 "or number previously paid, if greater, For Reissues, SUBMITTED BY (Complete (if applicable)) Registration No. Name (Print/Type) Dorugias J. Kyder 43,073 Telephone 215-766-2100 (Attornay/Agent) 2000

> WARKING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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